

ORDER NO. 13-4
TEMPORARY CLOSURE
SAN BERNARDINO NATIONAL FOREST

Pursuant to 16 USC 551 and 36 CFR 261.50(a), and to protect an endangered species, the following act is prohibited within the San Bernardino National Forest. This Order is effective from May 1, 2013 through October 31, 2013.

Being in or within ten feet of the upper North Fork San Jacinto River, its two tributaries and Fuller Mill Creek as shown on Exhibit A. 36 CFR 261.53(a).

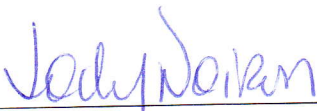
Pursuant to 36 CFR 261.50(e), the following persons are exempt from this Order:

1. Any Federal, State or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act.

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of this prohibition is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than six months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at San Bernardino, California, this 22 day of April, 2013.



JODY NOIRON
Forest Supervisor



United States
Department of
Agriculture

Forest
Service

San Bernardino National Forest
Supervisor's Office

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San Bernardino, CA 92408
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Date: April 1, 2013

To: File

From: Jody Noiron, Forest Supervisor

Re: Temporary Closure of upper North Fork San Jacinto River and Fuller Mill Creek

The mountain yellow-legged frog (*Rana muscosa*) was federally listed as Endangered (southern California Distinct Vertebrate Population segment) on July 2, 2002. Critical Habitat was designated on September 14, 2006. This species is also state listed as Endangered under the California Endangered Species Act.

Human disturbances, such as water play and trampling of soils, stream banks, and riparian vegetation, may have serious impacts to the continued existence of this critically endangered species. The areas proposed for seasonal closure receive regular recreation use as they include Dark Canyon campground and Fuller Mill Creek day use area. These sites are one of the most heavily used sites on the San Jacinto Ranger District. Several informal trails have been developed along the river. Although portions of the river are fenced off within Dark Canyon campground, incursion into the critical habitat continues to occur at Fuller Mill Creek and at tributaries of the North Fork. These activities inadvertently damage habitat elements through streambed alterations and compaction of soil on banks and shores which retards native vegetative recovery. More importantly, these activities may inadvertently destroy egg masses and kill or injure tadpoles within the water and on the adjacent stream bank. Even if mortality or injury is avoided, disturbances within the streambed may cause unnatural stress on resident frogs by causing them to alter their normal behavior when humans are present.

It is my decision to seasonally close portions of upper fork of the San Jacinto River, its two tributaries and Fuller Mill creek. The area affected is shown in **Exhibit A**. The closure area is considered to be occupied by mountain yellow-legged frog, is designated Critical Habitat for mountain yellow-legged frog, and is designated as a Critical Biological Zone in the 2005 San Bernardino National Forest Land Management Plan. The closure will be in effect seasonally from May 1 to October 31, or until biologists determine that mountain yellow-legged frogs are no longer active in the area. The closure will include 10' on either side

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To file a complaint of discrimination, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC 20250, or call 1-800-2456340 (voice) or 202-720-1127 (TDD). USDA is an equal employment opportunity provider and employer.

of the creek. The seasonal closure will continue annually as long as this population of mountain yellow-legged frogs is imperiled. HWY 243, the only designated road in the project area, will remain open. A Forest Order will be issued annually to enforce the closure.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. Pursuant to 36 C.F.R. § 215.12(f), this decision is not subject to administrative appeal. I have determined that there are no extraordinary circumstances associated with this temporary closure. Pursuant to 36 C.F.R. § 215.12(f), this decision is not subject to administrative appeal.

This is a low impact project that will not have a significant effect on the environment. No ground disturbance is anticipated as a part of this creek closure order. There are no extraordinary circumstances or conditions associated with the project. This determination is based on the absence, among others, of adverse effects on the following resource conditions:

- a. Threatened, endangered, proposed or candidate (TEPC) or sensitive species or their critical habitat: There will be no adverse impacts to federally threatened, endangered, proposed, candidate (TEPC) or sensitive species or their habitats from this project as planned. A biologist has reviewed these documents and the proposed project.
- b. Flood Plains, wetlands, or municipal watersheds: There are no adverse impacts to municipal watersheds, flood plains, or wetlands.
- c. Congressionally designated areas, such as wilderness study areas, or Natural Recreation Areas: There are no Congressionally designated areas within the project area.
- d. Inventoried Roadless Areas: There are no Inventoried Roadless Areas within the project area.
- e. Research Natural Areas: There are no Research Natural Areas within the project area.
- f. Native American religious or cultural sites, archaeological sites, or historic properties (heritage resources): There will be no cultural resources affected by this project. An archaeologist has reviewed these documents and the proposed project.

Seasonal closure of portions of the North Fork San Jacinto River and Fuller Mill Creek, as seen in **Exhibit A**, is warranted for several reasons. Monitoring and observations of the North Fork and Fuller Mill Creek indicate that recreation

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impacts to the stream, such as trash and dam construction, are substantial. Analysis of monitoring data from area closures from previous years has shown seasonal closures to be an effective method of reducing human intrusion and impact to MYLF habitats (Mendoza and Poopatanapong, 2012). By continuing the annual creek closure MYLF habitat will continue to improve, increasing recovery probability.

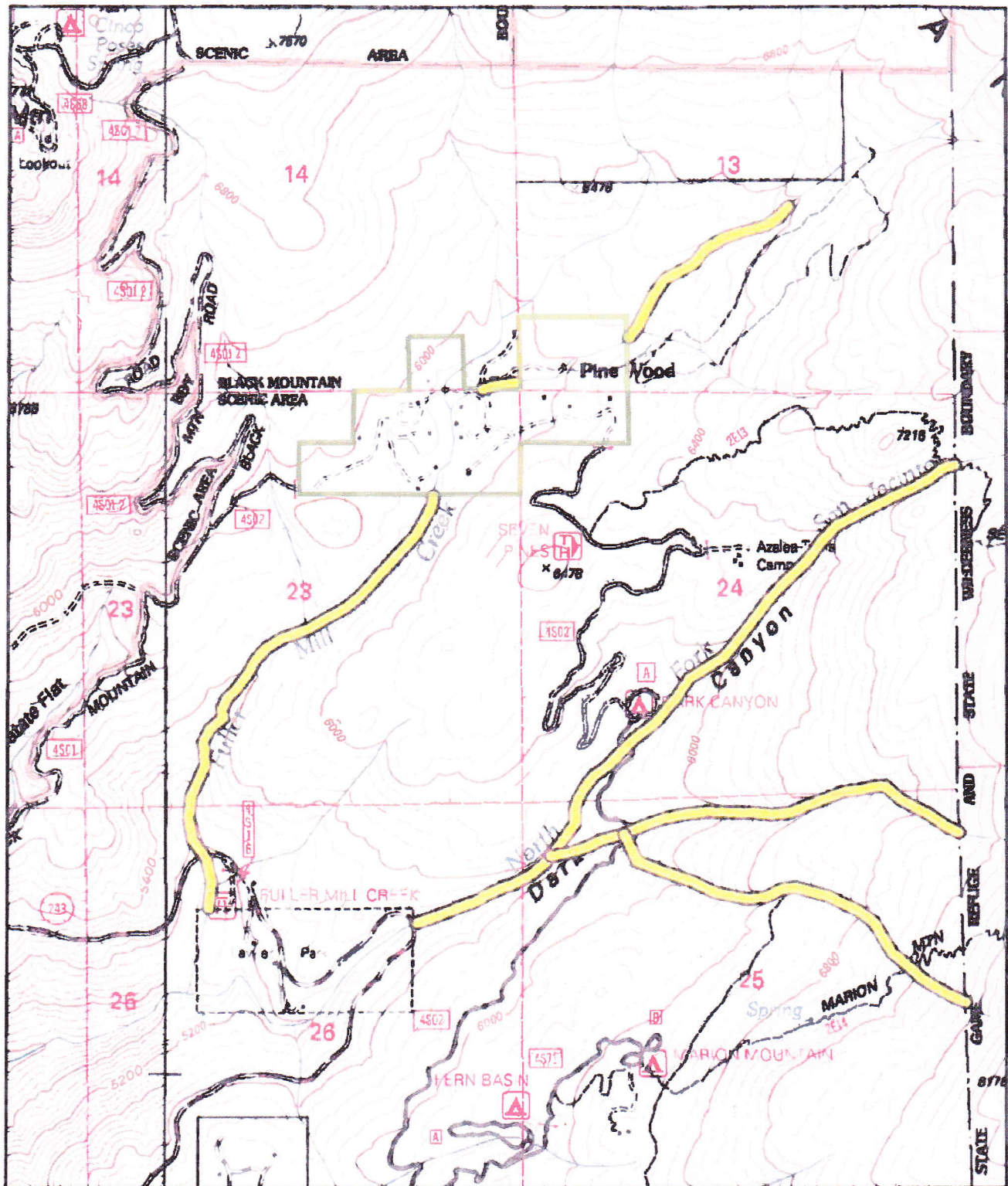
Internal scoping was conducted and agreed upon by Dave Austin, Acting San Jacinto District Ranger, John Ladley, San Jacinto District Supervisory Natural Resource Specialist, Anne Poopatanapong, San Jacinto District Wildlife Biologist, Bill Sapp, Forest Archaeologist, and Deb Nelson, San Jacinto District Botanist.

Further information may be obtained by contacting Anne Poopatanapong at (909) 382-2935.

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EXHIBIT A ORDER NO: 13-4



0 0.125 0.25 0.5 Miles
0 0.25 0.5 1 Kilometers



- Closed Area
- Private Land
- National Forest System lands